

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

2006 OCT 27 PM 1:39

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2006-0047

IN THE MATTER OF:

THOROFARE RESOURCES, INC.

Little Laramie Field,

Parkinson Tank Battery

P. O. Box 472

Thermopolis, WY 82443,

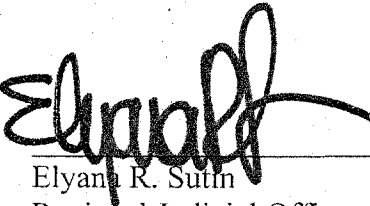
RESPONDENT

FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. This court accepts the facsimile filing of the signature page in this matter at this time however the parties are to file the original signature page within seven days of issuance of this Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

10. 27. 06
DATE


Elyan R. Sutin
Regional Judicial Officer

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2006 OCT 27 PM 1:39

DOCKET NO. CWA-08-2006-0047

FILED
EPA REGION VII
HEARING CLERK

IN THE MATTER OF:)	
)	
Thorofare Resources, Inc.-)	
Little Laramie Field,)	
Parkinson Tank Battery)	CONSENT AGREEMENT
P.O. Box 472)	
Thermopolis, WY 82443,)	
)	
Respondent.)	

Complainant, United States Environmental Protection Agency-Region 8 (EPA), and Respondent, Thorofare Resources, Inc., by their undersigned representatives, hereby consent and agree as follows:

1. On or about September 27, 2006, Complainant issued a Complaint to Respondent in this matter alleging certain violations of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA), and associated implementing regulations. In the Complaint, Complainant proposed a civil penalty of \$22,980.

2. Respondent admits the jurisdictional allegations, and neither admits nor denies the remaining allegations, of the Complaint. Respondent waives its right to contest any allegations at a hearing or at a civil proceeding in connection with the enforcement of the Final Order incorporating this Consent Agreement.

3. No later than thirty (30) calendar days after receipt of a fully-executed Consent Agreement in this matter, Respondent shall pay a civil penalty in the amount of NINETEEN THOUSAND FIVE HUNDRED THIRTY-THREE DOLLARS (\$19,533). Payment of the penalty may be made by cashier's or certified check, or by electronic funds transfer ("EFT").

If paying by check, Respondent shall submit a cashier's or certified check, payable to the "Environmental Protection Agency", and bearing the notation "OSLTF - 311" and the title and docket number of this case.

If Respondent sends payment by the U.S. Postal Service, the payment shall be mailed to:

U.S. Environmental Protection Agency
P.O. Box 371099M
Pittsburgh, PA 15251.

If Respondent sends payment by a private delivery service, the payment shall be mailed to:

Mellon Client Service Center
ATTN: Shift Supervisor
Lockbox 371099M Account 9109125
500 Ross Street
Pittsburgh, PA 15262-0001.

If paying by EFT, Respondent shall transfer \$19,533 to:

Mellon Bank
ABA 043000261
Account 9109125
22 Morrow Drive
Pittsburgh, PA 15235.

In the case of an international transfer of funds, Respondent shall use SWIFT address MELNUS3P.

Respondent shall submit copies of the check (or, in the case of an EFT, copies of the EFT confirmation) to the Regional Hearing Clerk and to Jessie Goldfarb, Senior Enforcement Attorney, at the following addresses:

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA-Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466, and

Jessie Goldfarb (8ENF-L)
Senior Enforcement Attorney
U.S. EPA-Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466.

4. If Respondent fails to pay the amount specified in Paragraph 3 by the due date specified in that Paragraph, the entire proposed penalty of TWENTY-TWO THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$22,980) shall immediately become due and owing by Respondent. Furthermore, interest on the entire proposed penalty of TWENTY-TWO THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$22,980) shall accrue at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of ONE HUNDRED DOLLARS (\$100) shall be imposed upon Respondent after the first thirty (30) days that a payment, or any portion thereof, is overdue, with an additional charge of FIFTY DOLLARS (\$50) imposed for each subsequent 30-day period until the payment due is received. In addition, a six per cent (6%) per annum penalty shall be applied on any principal amount not paid within ninety (90) days of any installment due date.

5. Compliance Activities. In addition to the payment of the civil penalty referenced above, Respondent agrees to perform the following activities within the specified time frames to return to compliance with the CWA, as amended by OPA, and associated regulations:

a. Technical Items. No later than forty-five (45) days after receipt of a fully-executed Consent Agreement in this matter, Respondent shall correct all of the violations and comply with all of the requirements set forth in Paragraph 25 (including Subparagraphs

a. through g.) of the Complaint referenced in Paragraph 1, above. No later than sixty (60) days after receipt of a fully-executed Consent Agreement in this matter, Respondent shall submit to EPA documentation (e.g., invoices, photographs) of all of the corrective actions taken by Respondent to comply with these requirements.

b. Spill Prevention, Control, and Countermeasure Plan ("SPCC Plan"). No later than sixty (60) days after receipt of a fully-executed Consent Agreement in this matter, Respondent shall submit to EPA an SPCC Plan that: (1) corrects the violations and complies with the requirements listed in Paragraphs 23 and 24 (including Subparagraphs a. through j.) of the Complaint referenced in Paragraph 1, above; and (2) reflects conditions at the facility in the aftermath of Respondent's performance of the corrective actions referenced in Paragraph 5.a, above.

c. Submissions. Respondent shall submit the documentation referenced in Paragraph 5.a, above, and the SPCC Plan referenced in Paragraph 5.b, above, to:

Donna Inman (8ENF-UFO)
Environmental Scientist
U.S. EPA-Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466.

6. Respondent understands that failure to comply with any of the terms of this Consent Agreement, upon incorporation into a Final Order, will constitute a breach of the Agreement and Order and may result in referral of the matter to the United States Department of Justice for enforcement of the Agreement, and for such other relief as is deemed appropriate.

7. The parties agree to submit this Consent Agreement to the Regional Judicial Officer with a request that it be incorporated into a Final Order.

8. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and upon full payment of the civil penalty and performance of the Compliance Activities referenced herein by Respondent, shall be a complete and full settlement of the specific violations alleged in the Complaint in this matter.

9. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CWA, as amended by OPA, associated implementing regulations, and other environmental laws.

10. Penalties paid pursuant to this Consent Agreement are not deductible for federal tax purposes under 28 U.S.C. § 162(f).

11. The parties agree to bear their own costs and attorney fees.

12. The undersigned representative of each party to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and bind that party to the Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY-
REGION 8, Complainant10/25/06
Date

for Timothy Osoy
Elisabeth Evans, Director
Technical Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

10/25/06
Date

David J. Jank
David J. Jank
Supervisory Enforcement Attorney
Legal Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

THOROFARE RESOURCES, INC., Respondent.

10/25/06
Date

Thomas D. Shanor
Thomas D. Shanor
President

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **THOROFARE RESOURCES, INC.**, **DOCKET NO.: CWA-08-2006-0047** was filed with the Regional Hearing Clerk on October 27, 2006.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Jessie Goldfarb, Senior Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on October 27, 2006, to:

Thomas D. Shanor, President
Thorofare Resources, Inc.
P. O. Box 472
Thermopolis, WY 82443

Regular Mail to:

U. S. Coast Guard
Commander
Finance Center (OGR)
1430 A Kristina Way
Chesapeake, VA 23326

And faxed to:

Michelle Angel
U. S. Environmental Protection Agency
Cincinnati Finance Center Accounting
Fax: 513-487-2063

October 27, 2006



Tina Artemis
Regional Hearing Clerk



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